

# CODE ENFORCEMENT UNIT



2022

Annual Report

# Code Enforcement Unit

## ANNUAL REPORT

This report describes the activities of the Code Enforcement Unit (CEU) during the 2022 calendar year.

### ACCOMPLISHMENTS

#### Developing and Improving Processes and Procedures

Late in 2021 CEU completely redeveloped its processes and reorganized the workload. The new process relies on the use of automated letters to inform property owners, and complainants, of the status of a case. When a new complaint is received, the property owner, occupant and complainant are mailed an initial letter. CEU is able to mail this first letter within approximately 8 days of receiving the complaint. Within a week of receiving a new complaint, CEU staff will review internal data, satellite imagery and permits to determine the next



Eel River Drive before abatement

course of action. These activities are designed to determine the validity of the complaint. Once it is determined a violation exists, the property owner will be sent another letter informing them of the existence of the violation and the corrective action needed to abate the violation.

If the property owner does not contact CEU or correct the violations within the grace period, then the property will be served notices which will be recorded after the 10-day appeal period. The purpose of serving and recording notice(s) is to formally document the issues on the property and provide proper notice to any potential buyer(s).

2022 represents the first full year using the new process which has proven to be highly successful. There were 329 new traditional cases opened in 2022 and of those cases 117 or 36% are now closed. But more importantly CEU also closed 342 cases that originated prior to 2022. On average, each traditional staff member is closing 92 cases per year and overall, we are closing 140% more cases than we are opening during the year.



Using the new process, the CEU has been incorporating older legacy cases into the new process which will continue to whittle down the number of legacy cases. The new approach is sustainable in that the CEU is able to systematically investigate new and older legacy cases and is closing more cases than opening.

### Abatements

For some of CEU's cases the property owner is unwilling or incapable of dealing with the public nuisance located on their property. In these situations, as a last resort and after repeated attempts to get the property owner to perform the abatement, the county will step in, after properly serving notice and obtaining jurisdiction, to perform a county abatement. The county obtains jurisdiction to abate a nuisance once the 10-day Notice to Abate Nuisance is served and the property owner neither abates the nuisance nor requests an appeal hearing.



Montana Road before abatement



Montana Road before abatement



Montana Road after abatement

In 2022 there were four cases that resulted in county abatement. The first was on a property on Montana Road in McKinleyville with a deceased owner. The occupants of the site allowed a significant amount solid waste and junk vehicles to accumulate and the conditions were attracting rats to the neighborhood. The county abatement removed the solid waste and junk vehicles, conducted pest mitigation and fenced off the property to prohibit access.



**Code Enforcement Unit**

The second county abatement was also on a property with a deceased owner. The property is located on Spears Road in Eureka. The deteriorating conditions of the sites included solid waste, junk vehicles and construction without permits.



Spears Road before abatement



Spears Road after abatement

The third county-led abatement involved a long-standing case on Eel River Drive in Loleta. This 60-acre property had numerous violations including junk vehicles, people living in RVs, maintaining a junkyard, solid waste, grading and development within a Streamside Management Area (SMA). The project was divided into two phases to first remove the solid waste and junk vehicles and then address the grading and SMA violations. The first phase of this abatement was completed in April and CEU is working to complete the second phase.



Eel River Drive before abatement



Eel River Drive after abatement



**Code Enforcement Unit**

The last abatement took place on Summit Ridge Drive in Humboldt Hill. The property owner had a relative who had accumulated solid waste and junk vehicles throughout the property. There were also building without permits and zoning violations. was making extensive renovations to the residence that rendered the structure dangerous. The property around the residence was full of solid waste and was spilling out to the street. The abatement was completed in July.



Summit Ridge before abatement



Summit Ridge before abatement



Summit Ridge after abatement



Summit Ridge after abatement

There were two other planned abatement projects that did not come to fruition. The first was a property in Trinidad where there are multiple unpermitted structures, RV used as residences, solid waste and junk vehicles. This abatement was postponed to attempt to resolve the violations other means. The second was the demolition of the Green Valley Motel which was delayed due to ongoing negotiation with a potential buyer. These two abatements would have fully utilized the allocated abatement funds. But because they were delayed and postponed the county only funded the following four abatements.

## 2022 County-Led Abatements

Location	Case Description	Cost
McKinleyville – Montana Road	Solid waste, junk vehicles, pest infestation	\$29,831.55
Eureka – Spears Road	Construction without permits, solid waste, junk vehicles	\$15,749.76
Loleta – Eel River Drive	Solid waste, junk vehicles, maintaining a junkyard, construction without permits, living in a RV, grading without permits, development within a Streamside Management Area	\$61,262.40
Eureka – Summit Ridge	Solid waste, junk vehicles, construction without permits, and zoning violations	\$38,778.16
	<b>Total</b>	<b>\$145,621.87</b>

### Assessment Liens and Property Tax Direct Charge

The four county-led abatement projects were subsequently processed to impose an Assessment Lien on each property. In addition, each property had a property tax direct charge added which means the cost of the abatement is now due and payable along with the ordinary property taxes. If unpaid after three years, these properties will be placed for auction by the tax collector and the county stands to recuperate the abatement costs.

## PROGRESS

### Voluntary Abatement

The CEU has been successful in motivating property owners to conduct voluntary abatement. In 2022, there were 608 cases closed with a vast majority being completed by the property owner. A property located on Railroad Drive in McKinleyville represents a case where by working with the property owner the violations were abated without a county-led abatement.



Railroad Drive before abatement



Railroad Drive after abatement



## Outdoor Cultivation Nearly Non-Existent

The success of the cannabis abatement program cannot be overstated. The volume of new outdoor cannabis cases were dramatically lower because there are not many significant outdoor cultivation sites still in operation.

Total Cases Noticed	1232
Total Cases with Appeal Requests Submitted	393
Total Cases Closed	836
Total Cases Still Open	396
In Compliance Agreements	137
Recorded Assessment Liens	21
Hearing Judgement Orders	7
Pending Assessments for Board Approval	14
Pending NOV Appeals	56
Pending NOV Assessments	111
New Owner: Corrective Actions Pending	50

In 2022 the cannabis team opened 65 new cannabis related cases and closed 28 of those cases. CEU also closed 121 cases from previous years. CEU participated in 56 warrants in conjunction with the Humboldt County Sheriff's Office and California Department of Fish and Wildlife. There were 46 cases opened as a result of those warrants.

## Abatement Update

Last year, in 2021, the CEU reported on the following cases where it appeared that county abatement would be necessary in 2022. The column on the right shows the current status of those cases.

	Location	Violations	Status
CE19-0400	7218 Summit Ridge Rd, Humboldt Hill	Junk vehicles, solid waste	County abatement complete
12CEU-110	2227 Walker Ave, McKinleyville	Junk vehicles, solid waste, animals, unpermitted construction	Vehicle notices appealed
CE21-1042	743 Montana Rd, McKinleyville	Junk vehicles, solid waste, no power to structure,	County abatement complete
12CEU-117	473 Quarry Rd, Trinidad	Junk vehicles, solid waste, unpermitted structures	County abatement postponed
CE21-0925	2773 Spears Road, Freshwater	Solid waste, junk vehicles	County abatement complete
17CEU-114	1600 Shop Road, Redway	Junk vehicles, solid waste	New owner in Compliance Agreement
15CEU-45	3029 Eel River Dr, Loleta	Junk vehicles, solid waste, grading, SMA engineering	County abatement for Phase I complete

## Code Enforcement Unit

CE21-0930	209 Kingston Rd, Fieldbrook	Substandard housing, unpermitted structures	Appealed to Superior Court
CE20-0517	2640 Myrtle Ave, Eureka	Junk vehicles, solid waste	New owner in Compliance Agreement
CE18-0026	2333 Fieldbrook Rd, Fieldbrook	Junk vehicles, solid waste	In Compliance Agreement
CE19-0203	389 Phillippsville Rd, Phillippsville	RVs, solid waste	Voluntary abatement
12CEU-52	(205-271-016) Avenue of the Giants, Stafford	Homeless encampment, 20+ RVs used a residences, solid waste	Not yet addressed – will be multi-agency effort
12CEU-79	264 Maple Creek Rd, Korbelt	Homeless encampment, solid waste, junk vehicles	Vehicle notices appealed

## CHALLENGES

### Housing Shortage, Homeless Encampments & Living in RVs

As in previous years, the CEU continues to see many cases of homeless encampments and people using RVs as residences. With the housing shortage there is no location where these people can relocate that would also not be problematic. And it is difficult to remove people from their living situation with the knowledge that they have no alternatives.

### Deceased Property Owner(s)

CEU identified this issue in 2021 and it continues to be problematic in 2022. Since the Code Enforcement process is designed to hold the property owners responsible for public nuisances and violations on their property, it becomes difficult to make progress on a case when there is no one stepping forward to take responsibility for a property. Code Enforcement supports the work of the Public Administrator who is responsible for overseeing probate of an estate when the heirs decline to act, or when there are no known heirs, or when appointed to do so by the Superior Court. CEU conducted county abatements on two properties where there were deceased owners in 2022 but the allocation for county abatements is limited and CEU cannot take this action with all of the cases we have with deceased owners.

### Blight

Many of the complaints received by the CEU are related to blight conditions and do not fall into an existing category of public nuisance or violation. Typical complaints are overgrown vegetation and general dilapidation of structures. When there is not a specific code or regulation being violated, there is not a process for the CEU to follow except to encourage property owner to voluntarily address the issue. A possible solution could be the development of a county ordinance addressing blight and providing an avenue for enforcement.



## **Vacation Rentals**

It is estimated the county is home to hundreds of vacation rentals. Vacation rentals are currently not allowed by zoning except under very limited circumstances. Complaints coming in regarding vacation rentals revolve around noise, parking and changes to a neighborhood's character. The property owners and operators of these properties are usually surprised to learn vacation rentals are not allowed, especially considering how prevalent they are throughout the county. Furthermore, the property owners express frustration that there is no permitting path available to legally operate. For some, especially those who rent a portion of their property to live affordably, compliance is a financial hardship.

**2022 DATA****2022 CASES**

Supervisor District	New Cases 2022	Cannabis	Traditional	2022 Cases Closed
1	94	16	78	39
2	110	36	74	33
3	45	5	40	13
4	19	0	19	8
5	125	8	67	52
<b>Total</b>	<b>393</b>	<b>65</b>	<b>328</b>	<b>145</b>

**ALL CASES**

Supervisor District	All Cases Open or Closed	Closed in 2022 Cannabis	Closed in 2022 Traditional	Total Closed in 2022
1	620	24	113	137
2	1638	93	93	186
3	305	3	50	53
4	128	0	30	30
5	975	29	173	202
<b>Total</b>	<b>3666</b>	<b>149</b>	<b>459</b>	<b>608</b>

**APPEALS REQUESTED**

	Cannabis	Traditional
Appeals Requested	4	1

**COMPLIANCE AGREEMENTS**

	Cannabis	Traditional	Amount
Agreement w/ Penalty	3	1	\$50,000
Agreement w/ No Penalty	31	10	



## ATTACHMENT A – NEW CASES IN 2022

## ATTACHMENT B – CASES CLOSED IN 2022